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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,315	01/22/2004	Michael Chilton Sheasby	011972-0001	3096
20559	7590	11/01/2005	EXAMINER	
ROBIC CENTRE CDP CAPITAL 1001, VICTORIA SQUARE - BLOC E - 8TH FLOOR MONTREAL, QC H2Z 2B7 CANADA			WANG, JIN CHENG	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,315

Applicant(s)

SHEASBY ET AL

Examiner

Jin-Cheng Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's submission filed on 10/11/2005 has been entered. Claims 1 and 7 have been canceled. Claims 2-6, and 8-12 have been amended. Claims 13-18 have been newly added. Claims 2-6 and 8-18 are pending in the application.

Response to Arguments

Applicant's arguments filed October 11, 2005 have been fully considered but are moot in view of the new ground(s) of rejection of the new base claim 13 based on Sheasby et al. U.S. Patent No. 6,473,094 (hereinafter Sheasby) in view of Kasson U.S. Patent No. 5,473,740 (hereinafter Kasson). As set forth in the present Office Action, Sheasby teaches a manipulation of comparison view using sizing tool and positioning tool wherein the comparison view is cropped both horizontally and vertically. A mouse cursor is placed over an edge of comparison view and edge can then be dragged until comparison view is a desired size. The edge can be dragged from any of the four sides of comparison view and from the corners by appropriate mouse clicks and manipulation. The sizing of comparison view can also be changed by scaling, rather than by cropping. The comparison view is moved or positioned within a viewer and comparison view is then dragged to a desired position. The position of the image or comparison source within comparison view can also be changed by scrolling the image within comparison view. Both sizing and positioning of comparison vie can also be controlled from keyboard such as by modifying grid coordinates to specify the size and position of comparison view.

Although Sheasby does not expressly disclose “hiding any portion of said image outside of said bounding frame,” Kasson discloses hiding any portion of said image outside of said bounding frame (See Kasson Figs. 3A and 3B; column 3, line 60 to column 4, line 14).

It would have been obvious to have incorporated Kasson’s cropping boundaries and the obscured portions of the rest of the image into Sheasby’s method because Sheasby suggests the claim limitation. For example, Sheasby discloses the comparison source captured to comparison buffer and displayed in comparison view is the alpha channel of a foreground image to be composited with the active project of a background image and **capturing alpha channel allows the user to view the alpha channel while keying the background image**. Moreover, Sheasby discloses onion-skinning editing function wherein the N frames can be displayed transparently in comparison viewer by suitably adjusting its properties one at a time such that the current active frame is also visible and can be edited as desired (See Sheasby column 5). Sheasby’s alpha channel allows the background image to be obscured and thereby the rest of the image beyond the comparison view can be obscured because the comparison view is highlighted while the background image is obscured (Sheasby column 5).

Therefore, having the combined teaching of Sheasby and Kasson, one of the ordinary skill in the art would have been motivated to highlight the cropped image portion while obscuring the other portions of the image beyond the cropped image portion. Doing so allows the user to decide whether or not the currently cropped image has the proper aesthetics while the distracting excluded portion of the image is not visible (Kasson column 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheasby et al. U.S. Patent No. 6,473,094 (hereinafter Sheasby) in view of Kasson U.S. Patent No. 5,473,740 (hereinafter Kasson).

Re Claims 13, 15 and 16:

Sheasby discloses a computer implemented method for performing a cross-to-fill operation on an image, comprising the steps of:

- (a) automatically or manually containing an image within a bounding frame (e.g., Figs. 10-12 and column 5);
- (b) entering an interactive crop-to-fill mode with a pointing device at a corner or side of said bounding frame (e.g., Figs. 10-12 and column 5);
- (c) moving said pointing device in order to crop said image, said cropping step being either zooming in or zooming out said image in order to create a cropped image, said cropped image continuously filling said bounding frame as said image is being cropped (e.g., Figs. 10-12 and column 5); and
- (d) as said image is being cropped, simultaneously maintaining an aspect ratio equal to an aspect ratio of said bounding frame (e.g., Figs. 10-12 and column 5).

For example, Sheasby teaches a manipulation of comparison view using sizing tool and positioning tool wherein the comparison view is cropped both horizontally and vertically. A mouse cursor is placed over an edge of comparison view and edge can then be dragged until comparison view is a desired size. The edge can be dragged from any of the four sides of comparison view and from the corners by appropriate mouse clicks and manipulation. The sizing of comparison view can also be changed by scaling, rather than by cropping. The comparison view is moved or positioned within a viewer and comparison view is then dragged to a desired position. The position of the image or comparison source within comparison view can also be changed by scrolling the image within comparison view. Both sizing and positioning of comparison view can also be controlled from keyboard such as by modifying grid coordinates to specify the size and position of comparison view.

Sheasby does not expressly disclose “hiding any portion of said image outside of said bounding frame.”

Kasson discloses hiding any portion of said image outside of said bounding frame (See Kasson Figs. 3A and 3B; column 3, line 60 to column 4, line 14).

It would have been obvious to have incorporated Kasson’s cropping boundaries and the obscured portions of the rest of the image into Sheasby’s method because Sheasby suggests the claim limitation. For example, Sheasby discloses the comparison source captured to comparison buffer and displayed in comparison view is the alpha channel of a foreground image to be composited with the active project of a background image and **capturing alpha channel allows the user to view the alpha channel while keying the background image**. Moreover, Sheasby discloses onion-skinning editing function wherein the N frames can be displayed transparently in

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comparison viewer by suitably adjusting its properties one at a time such that the current active frame is also visible and can be edited as desired (See Sheasby column 5). Sheasby's alpha channel allows the background image to be obscured and thereby the rest of the image beyond the comparison view can be obscured because the comparison view is highlighted while the background image is obscured (Sheasby column 5).

Therefore, having the combined teaching of Sheasby and Kasson, one of the ordinary skill in the art would have been motivated to highlight the cropped image portion while obscuring the other portions of the image beyond the cropped image portion. Doing so allows the user to decide whether or not the currently cropped image has the proper aesthetics while the distracting excluded portion of the image is not visible (Kasson column 3).

Claim 2:

Sheasby further discloses the claim limitation of selection of the image region by a pointing device (Sheasby Figs. 10-12 and column 5).

Claim 3:

Sheasby further discloses the claim limitation of pressing a button on a computer mouse over a visual control associated with one of the selected regions and subsequently releasing the button (Sheasby Figs. 10-12 and column 5).

Claim 4:

Sheasby further discloses pressing a key on the keyboard and subsequently releasing it (Sheasby Figs. 10-12 and column 5).

Claim 5:

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Sheasby further discloses the claim limitation of determining which corner of said source extent of said source image is being manipulated (Sheasby Figs. 10-12 and column 5); determining the current position of a pointing device in a coordinate system determined by the original location and size of said source extent prior to interaction (Sheasby Figs. 10-12 and column 5); updating the extent of said source extent and therefore the sub-region of said source image to be drawn within said containing region such that the corner of said source image is set to said current pointer position in said source image coordinate system (Sheasby Figs. 10-12 and column 5).

Claim 6:

Sheasby further discloses the claim limitation of aborting by teaching the “undo” function which is the same as the aborting function (Sheasby Figs. 10-12 and column 5) by pressing a key (Sheasby Figs. 10-12 and column 5).

Claims 8-12:

The claims 8-12 are subject to the same rationale of rejection set forth in the claims 2-6.

Claim 14:

Sheasby further discloses the pointing device being a mouse wherein said step of moving said pointing device is moving said mouse towards the center of the image to zoom in and away from the center to zoom out (Sheasby Figs. 10-12 and column 5).

Claims 17-18:

Sheasby further discloses a scaling of said image centered about the corner of said bounding frame opposite to that being manipulated (Sheasby Figs. 10-12 and column 5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jcw



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